REMARKS/ARGUMENTS

Prior to entry of this Amendment, claims 5-13 were pending in this application. Claims 5, 6, and 10 have been amended, no claims have been canceled, and claim 14 has been added herein. Therefore, claims 5-14 are now pending. The applicant respectfully requests entry of the amendments and reconsideration of these claims for at least the reasons presented below.

35 U.S.C. § 101 Rejection, Non-statutory matter

The Final Office Action rejected claims 1-5 under 35 U.S.C. § 101 as allegedly being directed to non-statutory matter. More specifically, the claims have been rejected for allegedly failing to produce a tangible result which enables any usefulness of having made the determination to be realized. While the Applicant continues to disagree with the reason for this rejection for at least the reasons stated previously, for the sake of expediency in moving this matter toward allowance, amendments have been made herein that are thought to overcome the reason for the rejection. More specifically, claim 6 has been amended to recite "loading a database" similar to the recitation of claim 10. Thus, the Applicant respectfully submits that the rejection has been overcome and requests withdrawal of the rejection.

35 U.S.C. § 112 Rejection

The Final Office Action rejected claims 10-13 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Applicant notes that the Advisory Action indicates withdrawal of this rejection. The Applicant thanks the Examiner for carefully considering the previously presented remarks and for withdrawing this rejection.

35 U.S.C. § 102 Rejection, Carpenter

The Final Office Action rejected claims 1-4 and 6-10 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,199,068 B1 to Richard Carpenter (hereinafter "Carpenter"). The Applicant respectfully submits the following arguments pointing out significant differences between claims 5-13 submitted by the Applicants and Carpenter.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully argue that Carpenter fails to disclose each and every claimed element. For example, Carpenter fails to disclose, either expressly or inherently, examining statements in a first computer source code in a first programming language to identify a plurality of conditional statements and a plurality of action statements in the first computer source code, tagging the plurality of conditional statements and the plurality of action statements, grouping the conditional statements and action statements, generating action sets based on the conditional statements, or identifying associated sets of action statements. Carpenter also does not disclose, expressly or inherently, generating a second computer source code based on each action set and the associated set of action statements.

Carpenter "relates generally to an automated meter reading (AMR) system, and more particularly to an AMR server within the automated reading system which collects, loads and manages data from energy meters, and processes and stores meter data for routing to end users and business systems." (Col. 1, lines 14-19) To this end, Carpenter discloses "a computer system having a canonical mapper to translate an input file from an input domain to an output domain." That is, Carpenter discloses a mapper for translating a collection of meter data from an input format to an output format.

Therefore, as an initial matter, Carpenter does not relate to extracting business logic from computer source code having a plurality of statements. Furthermore, Carpenter does not disclose generating a second computer source code based on the extraction. Rather, Carpenter discloses an AMR Server that is programmed to perform the translation of a collection of meter data from an input format to an output format via a set of work flows. (Col. 11, lines 3-7) The translation performed by Carpenter is directed by a set of input maps and output maps "that specify the translation from the input domain to the output domain." (Col 5, lines 44-45) That is, the mapper of Carpenter translates a collection of meter data between formats based on these maps. However, this translation does not include examining the meter data to identify conditional statements in the meter data. Rather, the input and output of the translation process of Carpenter is data collected from energy meters and cannot reasonably be read to be source code or to include conditional statements.

It is noted that the Office Action and Advisory Action reference large portions of Carpenter directed to the Mapping Subsystem, e.g., col. 28, line 6 - col. 31, line 33. Generally speaking, the Mapping Subsystem of Carpenter provides for creating and applying the input and output maps. Even if, assuming for the sake of argument, the input or output maps of Carpenter can be considered to be source code written in a first programming language, the Mapping Subsystem does not examine statements in a first map to identify a plurality of conditional statements and a plurality of action statements in the first map, tag the plurality of conditional statements and the plurality of action statements, group the conditional statements and action statements, generate action sets based on the conditional statements, or identifying associated sets of action statements. Furthermore, the Mapping Subsystem does not generate a second map based on each action set and the associated set of action statements. Rather, under Carpenter, maps are defined by a user via a utility (col. 30, lines 11-47) and the files translated by the Mapping Subsystem are the data files which do not include conditional statements or action statements and are not source code.

Carpenter also describes, and the Office Action refers to, Activity Plans, i.e., lists of tasks for system actions. (Col. 20, lines 50-63) It is noted that the Office Action and Advisory Action reference large portions of Carpenter directed to the Activity Management Subsystem, e.g., col. 20, line 50 - col. 23, line 41. Even if, assuming for the sake of argument, the Activity Plans of Carpenter can be considered to be source code written in a first programming language, the Activity Management Subsystem does not examine statements in a first plan to identify a plurality of conditional statements and a plurality of action statements in the first plan, tag the plurality of conditional statements and the plurality of action statements, group the conditional statements and action statements, generate action sets based on the conditional statements, or identifying associated sets of action statements. Furthermore, the Activity Management Subsystem does not generate a second plan based on each action set and the associated set of action statements. Rather, under Carpenter, plans are defined by a user via a graphical user interface provided by the Activity Plan Builder. (Col. 21, lines 36-56).

Claim 6, upon which claims 5 and 7-9 depend, is directed to a method for extracting business logic from a first computer source code in a first programming language and recites in part "examining the plurality of statements to identify a plurality of conditional statements and a plurality of action statements in the first computer source code; tagging the plurality of conditional statements and the plurality of action statements, wherein each conditional statement has an associated tag and each action statement has an associated tag; grouping the plurality of conditional statements and the plurality of action statements; generating a plurality of action sets based on the plurality of conditional statements, wherein each of the plurality of action sets includes an associated set of action statements; for each action set, identifying the associated set of action statements from the grouped plurality of action statements . . . and generating a second computer source code based on each action set and the associated set of action statements." Carpenter does not disclose, expressly or inherently, examining statements in a first computer source code in a first programming language to identify a plurality of conditional statements and a plurality of action statements in the first computer source code,

tagging the plurality of conditional statements and the plurality of action statements, grouping the conditional statements and action statements, generating action sets based on the conditional statements, or identifying associated sets of action statements. Carpenter also does not disclose, expressly or inherently, generating a second computer source code based on each action set and the associated set of action statements. For at least these reasons, claims 5-9 should be allowed.

Claim 10, upon which claims 11-13 depend, recites in part "examining the plurality of statements to identify a plurality of conditional statements and a plurality of action statements in the first computer source code; tagging the plurality of conditional statements and the plurality of action statements, wherein each conditional statement has an associated tag and each action statement has an associated tag; grouping the plurality of conditional statements and the plurality of action statements; generating a plurality of action sets based on the plurality of conditional statements, wherein each of the plurality of action sets includes an associated set of action statements; and for each action set, identifying the associated set of action statements from the grouped plurality of action statements." Carpenter does not disclose, expressly or inherently, examining statements in a first computer source code in a first programming language to identify a plurality of conditional statements and a plurality of action statements in the first computer source code, tagging the plurality of conditional statements and the plurality of action statements, grouping the conditional statements and action statements, generating action sets based on the conditional statements, or identifying associated sets of action statements. For at least these reasons, claims 10-13 should be allowed.

35 U.S.C. § 103 Rejection, Carpenter in view of Ohkubo

The Final Office Action has rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Carpenter in view of U.S. Patent No. 5,742,827 to Ohkubo et al. (hereinafter "Ohkubo"). Applicants respectfully request withdrawal of the rejection and allowance of the claim for at least the reason that claim 5 depends upon independent claim 6 which is though to be allowable as discussed in detail above.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Dated: _____July 23, 2007_____   Respectfully submitted,

  /William J. Daley/
William J. Daley
Reg. No. 52,471

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000 (Denver office)
Fax: 303-571-4321 (Denver office)

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